

ORIGINAL

LAW OFFICES
LEVENTHAL, SENTER & LERMAN
SUITE 600

2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

JUL 3 3 14 PM '91

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

TELEX
710-822-9260 NPL WSH

AUDIO SERVICES
DIVISION

940702MA

July 2, 1991

OF COUNSEL
MICHAEL R. KLIPPER
TOBEY B. MARZOUK

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
LAURA B. HUMPHRIES
JOHN B. GLICKSMAN
MAUREEN A. O'CONNELL
LYNN M. CRAKES*
DAVID S. KEIR*

* ADMITTED VA ONLY

RECEIVED

JUL - 2 1991

BY HAND DELIVERY

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: File No. BPH-910213ME
Bethany Beach, Delaware

Dear Ms. Searcy:

On behalf of Jeffery Scott, applicant for a construction permit for a new FM station on Channel 278A at Bethany Beach, Delaware, I am transmitting herewith an original and two copies of his Petition for Leave to Amend and Amendment with respect to the above-referenced application.

Should there be any questions concerning this matter please contact the undersigned.

Very truly yours,

Dennis P. Corbett

Dennis P. Corbett

DPC:kb
Enclosures

RECEIVED

JUL 3 1991

FM EXAMINERS

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

JUL 3 3 14 PM '91 RECEIVED

AUDIO SERVICE - 2 1991
DIVISION

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of

JEFFERY SCOTT

For Construction Permit for
New FM Station on Channel 278A
at Bethany Beach, Delaware

)
)
)
)
)
)
)

File No. BPH-910213ME

To: Chief, Mass Media Bureau

PETITION FOR LEAVE TO AMEND

Jeffery Scott ("Scott"), by his attorneys and pursuant to Section 73.3522(a) of the Commission's Rules, hereby respectfully requests leave to amend his above-captioned application in accordance with the materials contained in the Attachment hereto. In support whereof, the following is shown.

By his amendment, Scott proposes, pursuant to Section 73.215 of the Commission's Rules, appropriate contour protection in connection with the previously filed May 16, 1991 amendment to his application. As explained below, this contour protection is necessary in light of the changes to Section 73.213 of the Commission's Rules that will soon become effective in accordance with the Commission's Memorandum

Opinion and Order in MM Docket 88-375, FCC 91-128, released May 30, 1991.

In his May 16 amendment, which was filed as of right,^{1/} Scott specified, inter alia, a new transmitter site for his proposed Bethany Beach facility. In doing so, Scott noted that his proposed new transmitter site was in full compliance with Section 73.213(c) of the Commission's Rules. That section currently provides that an application for authority to operate a Class A station with no more than 3 kW effective radiated power ("ERP") and 100 meters antenna height above average terrain ("HAAT"), where the channel allotment for the proposed station was made by order granting a petition to amend the Table of FM Allotments which was filed prior to October 2, 1989, must meet certain minimum distance separation requirements which are set out in a table contained in paragraph (c)(1) of the Section. 47 C.F.R. § 73.213(c).

With his amendment, Scott included an allocation study demonstrating that his proposed new transmitter site would comply with the distance separation requirements set forth in Section 73.213(c)(1). Because the Bethany Beach allotment was made by an order granting a petition to amend the Table of FM Allotments which was filed prior to October 2, 1989, and

^{1/} See Public Notice, Rept. No. 14974, released April 16, 1991 at 11.

because Scott's application proposes no more than 3 kW ERP and 100 feet HAAT, Scott's amendment was entitled to be considered under that section.

Since Scott submitted his May 16 amendment to the Commission, however, the Commission has announced that it is amending certain sections of Part 73 of its Rules -- including Section 73.213. See Memorandum Opinion and Order in MM Docket 88-375, FCC 91-128, released May 30, 1991. Specifically, effective July 15, 1991, the Commission will no longer generally allow applicants such as Scott to satisfy the distance separation requirements set forth in Section 73.213(c)(1); rather, the Commission will generally require such applicants to satisfy the more stringent separation requirements set forth in Section 73.207 of the Commission's Rules. For Scott, this change will mean that, as of July 15, his new transmitter site will be short-spaced to station WGMS-FM, which operates on Channel 278B at Washington, D.C. Scott's new transmitter site is 176 kilometers from Station WGMS, and although this distance exceeds the 163 kilometer separation currently required by Section 73.213(c)(1), it falls short of the 178 kilometer separation set forth under Section 73.207.

Accordingly, to bring his application into compliance with this impending rule change, Scott asks leave to amend his

application to demonstrate, pursuant to Section 73.215 of the Commission's Rules, contour protection with respect to WGMS.


Good cause clearly exists for the amendment. See Section 73.3522(a)(2) of the Commission's Rules. The applicant must act with due diligence in filing a curative amendment, the need for which has arisen for a reason other than the applicant's voluntary act. E.g., Dri-Five, Inc., 5 FCC Rcd 1292, 1293 (Mass. Med. Bur. 1990) (citing Alegria L. Inc., 4 FCC Rcd 587 (1989), and Elijah Broadcasting Corp., 3 FCC Rcd 5148 (Rev. Bd. 1988)). Here, the need for Scott's amendment results from the Commission's modification of its Rules -- something that was clearly not Scott's voluntary act. Moreover, Scott has clearly acted with due diligence: indeed, his amendment is being submitted two weeks prior to the effective date of the changes in the Commission's rules.^{2/}

^{2/} The amendment also satisfies the other good cause criteria for post-hearing designation amendments set out in Erwin O'Conner Broadcasting Co., 22 F.C.C.2d 140, 143 (1970). That is, the amendment will eliminate, not add, potential issues to any hearing with respect to Scott's and Eicher's applications, will not disrupt any proceeding or unfairly prejudice Eicher, and Scott will not gain a competitive advantage by this amendment.

WHEREFORE, for the foregoing reasons, it is respectfully requested that Jeffery Scott be granted leave to amend his application in accordance with the attached materials.

Respectfully submitted,

JEFFERY SCOTT

By 
Dennis P. Corbett
John B. Glicksman

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
(202) 429-8970

July 2, 1991

His Attorneys

Attachment

RECEIVED

JUL - 2 1991

JUL 3 3 14 PM '91 FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AUDIO SERVICES
DIVISION

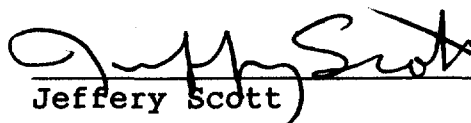
Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: File No. BPH-910213ME
Bethany Beach, Delaware

Dear Ms. Searcy:

The above-referenced application of Jeffery Scott for a construction permit to operate a new FM broadcast station on Channel 278A at Bethany Beach, Delaware, is hereby amended in accordance with the attached materials.

Respectfully submitted,


Jeffery Scott

Date:

July 1, 1991

RECEIVED

JUL - 2 1991

AMENDMENT

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The FCC Form 301 application of Jeffery Scott ("Scott") for a construction permit for a new FM broadcast station on Channel 278A at Bethany Beach, Delaware (File No. BPH-910213ME), is hereby amended in the following respects:

1. Supplemental materials for Section V-B (and associated engineering exhibits) are attached hereto.

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____
 ASB Referral Date _____
 Referred by _____

Name of Applicant

JEFFERY SCOTT

Call letters (if issued)

Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: _____

Purpose of Application: (check appropriate box(es)) Amendment of Pending Application.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Construct a new (main) facility | <input type="checkbox"/> Construct a new auxiliary facility |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input type="checkbox"/> Modify licensed main facility | <input type="checkbox"/> Modify licensed auxiliary facility |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- | | |
|---|--|
| <input type="checkbox"/> Antenna supporting-structure height | <input type="checkbox"/> Effective radiated power |
| <input type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency |
| <input type="checkbox"/> Antenna location | <input type="checkbox"/> Class |
| <input type="checkbox"/> Main Studio location | <input type="checkbox"/> Other (Summarize briefly) |

File Number(s) BPH-910213ME as amended on May 16, 1991

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
278	Bethany Beach	Sussex	DE

Class (check only one box below)

- ☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

- (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. No change - on file
- (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	38	34	21	Longitude	75	06	58
----------	----	----	----	-----------	----	----	----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☐ No
 No change - on file

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. _____

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Date June 27, 1991 Office where filed Eastern Regional Office

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) <u>No Change - On File</u>		
(b) _____		

7. (a) Elevation: (to the nearest meter) No Change - On File

(1) of site above mean sea level; _____ meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] _____ meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground _____ meters (H)

_____ meters (V)

(2) above mean sea level [(a)(1) + (b)(1)] No Change - On File _____ meters (H)

_____ meters (V)

(3) above average terrain _____ meters (H)

_____ meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

No Change - On File

Exhibit No.

9. Effective Radiated Power: No Change - On File

(a) ERP in the horizontal plane _____ kw (H=) _____ kw (V=)

(b) Is beam tilt proposed? No Change - On File

☐ Yes ☐ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

*Polarization

_____ kw (H=) _____ kw (V=)

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed? No Change - On File

☐ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☐ Yes ☐ No

No Change - On File

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 816 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 816 mV/m field strength contour of this proposal? No Change - On File

☐ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

See Engineering Statement

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.218 apply?

☒ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers. See Engineering Statement

Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.

See Engineering Statement

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? No Change - On File

☐ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)*

Exhibit No.

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. No Change - On File

Exhibit No.

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers. No Change - On File

Exhibit No.

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 316 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. - 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour. No Change - On File

Area _____ sq. km. Population _____

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers. N/A

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

No Change - On File

Source of terrain data: *(check only one box below)*

☐ Linearly interpolated 60-second database ☐ 7.5 minute topographic map

(Source: _____)

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 816 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
"			
0			
45		N O	
90		C H A N G E	
135			O N
180			F I L E
225			
270			
315			

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 11807 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☐ No ☐ No Change - On File

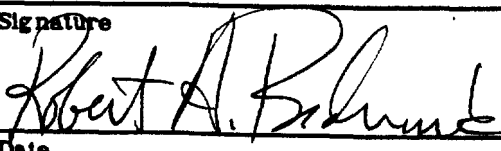
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 11811.

Exhibit No.

If No, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Robert A. Bednarek	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) Rubin, Bednarek & Associates 1350 Connecticut Avenue - Suite 610 Washington, D.C. 20036
Date June 28, 1991	Telephone No. (Include Area Code) (202) 296-9380

Protected and Interference Contours - Section 73.215

Call Sign : WGMS
 Location : Washington, D.C.
 Channel : 278B
 Facility Status : Licensed
 File Number : BLH-880104KE
 Site Coordinates : 38° 56' 09" N 77° 05' 33" W
 Maximum ERP : 46.0 kW (16.63 dBk)
 Antenna Type : Assumed Omni-Directional
Authorized
 Antenna Radiation : 226 meters AMSL
 Center Height : 158 meters HAAT

AZIMUTH (degrees)	HAAT (meters)	ERP (dBk)	54. dBu f(50-50) CONTOUR (km)	40. dBu f(50-10) CONTOUR (km)
0.0	137.5	16.63	62.4	134.2
5.0	135.0	16.63	62.1	133.9
10.0	130.8	16.63	61.5	133.3
15.0	124.7	16.63	60.5	132.4
20.0	126.5	16.63	60.8	132.6
25.0	127.1	16.63	60.8	132.8
30.0	132.0	16.63	61.6	133.4
35.0	133.2	16.63	61.8	133.6
40.0	139.6	16.63	62.8	134.4
45.0	146.9	16.63	63.7	135.5
50.0	154.5	16.63	64.9	136.5
55.0	164.9	16.63	66.1	137.9
60.0	171.9	16.63	66.9	138.7
65.0	178.6	16.63	67.6	139.7
70.0	183.8	16.63	68.1	140.3
75.0	187.1	16.63	68.4	140.8
80.0	188.7	16.63	68.6	141.0
85.0	187.1	16.63	68.4	140.8
90.0	185.9	16.63	68.4	140.7
95.0	187.5	16.63	68.4	140.8
100.0	194.2	16.63	69.2	141.6
105.0	197.2	16.63	69.4	141.9
110.0	197.8	16.63	69.5	142.1
115.0	196.3	16.63	69.4	141.9
120.0	196.9	16.63	69.4	141.9
125.0	195.1	16.63	69.2	141.8
130.0	197.5	16.63	69.5	142.1
135.0	202.4	16.63	69.8	142.6
140.0	203.6	16.63	70.0	142.7
145.0	211.5	16.63	70.8	143.9
150.0	216.4	16.63	71.3	144.4

AZIMUTH (degrees)	HAAT (meters)	ERP (dBk)	54. dBu f(50-50) CONTOUR (km)	40. dBu f(50-10) CONTOUR (km)
155.0	220.1	16.63	71.6	144.8
160.0	213.4	16.63	71.0	144.0
165.0	203.6	16.63	70.0	142.7
170.0	192.3	16.63	68.9	141.5
175.0	183.2	16.63	68.1	140.2
180.0	174.7	16.63	67.3	139.2
185.0	172.8	16.63	66.9	138.9
190.0	169.2	16.63	66.6	138.4
195.0	161.5	16.63	65.7	137.4
200.0	156.7	16.63	65.2	136.8
205.0	146.9	16.63	63.7	135.5
210.0	135.0	16.63	62.1	133.9
215.0	132.0	16.63	61.6	133.4
220.0	131.7	16.63	61.6	133.4
225.0	133.2	16.63	61.8	133.6
230.0	128.9	16.63	61.2	132.9
235.0	124.4	16.63	60.5	132.3
240.0	121.9	16.63	60.2	132.0
245.0	120.1	16.63	59.9	131.8
250.0	120.4	16.63	59.9	131.8
255.0	121.3	16.63	60.0	132.0
260.0	123.4	16.63	60.3	132.3
265.0	128.6	16.63	61.2	132.9
270.0	135.6	16.63	62.1	133.9
275.0	138.4	16.63	62.6	134.2
280.0	145.4	16.63	63.6	135.2
285.0	152.4	16.63	64.5	136.1
290.0	163.7	16.63	66.0	137.8
295.0	175.9	16.63	67.3	139.4
300.0	168.2	16.63	66.5	138.2
305.0	161.8	16.63	65.8	137.4
310.0	152.1	16.63	64.5	136.1
315.0	147.2	16.63	63.9	135.5
320.0	144.5	16.63	63.4	135.2
325.0	140.5	16.63	62.9	134.5
330.0	135.3	16.63	62.1	133.9
335.0	131.4	16.63	61.5	133.3
340.0	128.9	16.63	61.2	132.9
345.0	123.1	16.63	60.3	132.1
350.0	123.1	16.63	60.3	132.1
355.0	133.8	16.63	62.0	133.7

Notes :

- 1) Terrain Data Source : NGDC 30 second point topography elevation database (TPG-0050)

Protected and Interference Contours - Section 73.215

Call Sign : WGMS
 Location : Washington, D.C.
 Channel : 278B
 Facility Status : Construction Permit
 File Number : BPH-900205IG
 Site Coordinates : 38° 56' 09" N 77° 05' 33" W
 Maximum ERP : 44.0 kW (16.44 dBk)
 Antenna Type : Assumed Omni-Directional
 Authorized
 Antenna Radiation : 228 meters AMSL
 Center Height : 160 meters HAAT

AZIMUTH (degrees)	HAAT (meters)	ERP (dBk)	54. dBu f(50-50) CONTOUR (km)	40. dBu f(50-10) CONTOUR (km)
0.0	139.6	16.43	62.3	133.4
5.0	137.2	16.43	62.0	133.1
10.0	132.9	16.43	61.3	132.6
15.0	126.8	16.43	60.5	131.6
20.0	128.6	16.43	60.7	132.0
25.0	129.2	16.43	60.8	132.0
30.0	134.1	16.43	61.5	132.8
35.0	135.3	16.43	61.6	132.9
40.0	141.7	16.43	62.6	133.7
45.0	149.0	16.43	63.7	134.7
50.0	156.7	16.43	64.7	135.8
55.0	167.0	16.43	66.0	137.1
60.0	174.0	16.43	66.6	138.1
65.0	180.7	16.43	67.4	138.9
70.0	185.9	16.43	67.9	139.5
75.0	189.3	16.43	68.2	140.0
80.0	190.8	16.43	68.4	140.2
85.0	189.3	16.43	68.2	140.0
90.0	188.1	16.43	68.1	139.8
95.0	189.6	16.43	68.2	140.0
100.0	196.3	16.43	68.9	140.8
105.0	199.3	16.43	69.2	141.3
110.0	199.9	16.43	69.2	141.3
115.0	198.4	16.43	69.0	141.1
120.0	199.0	16.43	69.2	141.1
125.0	197.2	16.43	69.0	141.0
130.0	199.6	16.43	69.2	141.3
135.0	204.5	16.43	69.7	141.9
140.0	205.7	16.43	69.8	142.1
145.0	213.7	16.43	70.5	143.1
150.0	218.5	16.43	71.0	143.5

AZIMUTH (degrees)	HAAT (meters)	ERP (dBk)	54. dBu f(50-50) CONTOUR (km)	40. dBu f(50-10) CONTOUR (km)
155.0	222.2	16.43	71.3	144.0
160.0	215.5	16.43	70.6	143.2
165.0	205.7	16.43	69.8	142.1
170.0	194.5	16.43	68.7	140.7
175.0	185.3	16.43	67.8	139.5
180.0	176.8	16.43	66.9	138.4
185.0	175.0	16.43	66.8	138.2
190.0	171.3	16.43	66.5	137.8
195.0	163.7	16.43	65.5	136.8
200.0	158.8	16.43	64.9	136.1
205.0	149.0	16.43	63.7	134.7
210.0	137.2	16.43	62.0	133.1
215.0	134.1	16.43	61.5	132.8
220.0	133.8	16.43	61.5	132.6
225.0	135.3	16.43	61.6	132.9
230.0	131.1	16.43	61.2	132.3
235.0	126.5	16.43	60.3	131.6
240.0	124.1	16.43	60.0	131.3
245.0	122.2	16.43	59.7	131.0
250.0	122.5	16.43	59.7	131.2
255.0	123.4	16.43	59.9	131.2
260.0	125.6	16.43	60.2	131.5
265.0	130.8	16.43	61.0	132.3
270.0	137.8	16.43	62.1	133.3
275.0	140.5	16.43	62.4	133.6
280.0	147.5	16.43	63.4	134.5
285.0	154.5	16.43	64.4	135.5
290.0	165.8	16.43	65.8	137.0
295.0	178.0	16.43	67.1	138.6
300.0	170.4	16.43	66.3	137.6
305.0	164.0	16.43	65.5	136.8
310.0	154.2	16.43	64.4	135.5
315.0	149.4	16.43	63.7	134.9
320.0	146.6	16.43	63.4	134.4
325.0	142.6	16.43	62.8	133.9
330.0	137.5	16.43	62.0	133.3
335.0	133.5	16.43	61.5	132.6
340.0	131.1	16.43	61.2	132.3
345.0	125.3	16.43	60.2	131.5
350.0	125.3	16.43	60.2	131.5
355.0	135.9	16.43	61.8	132.9

Notes :

- 1) Terrain Data Source : NGDC 30 second point topography elevation database (TPG-0050)

Protected and Interference Contours - Section 73.215

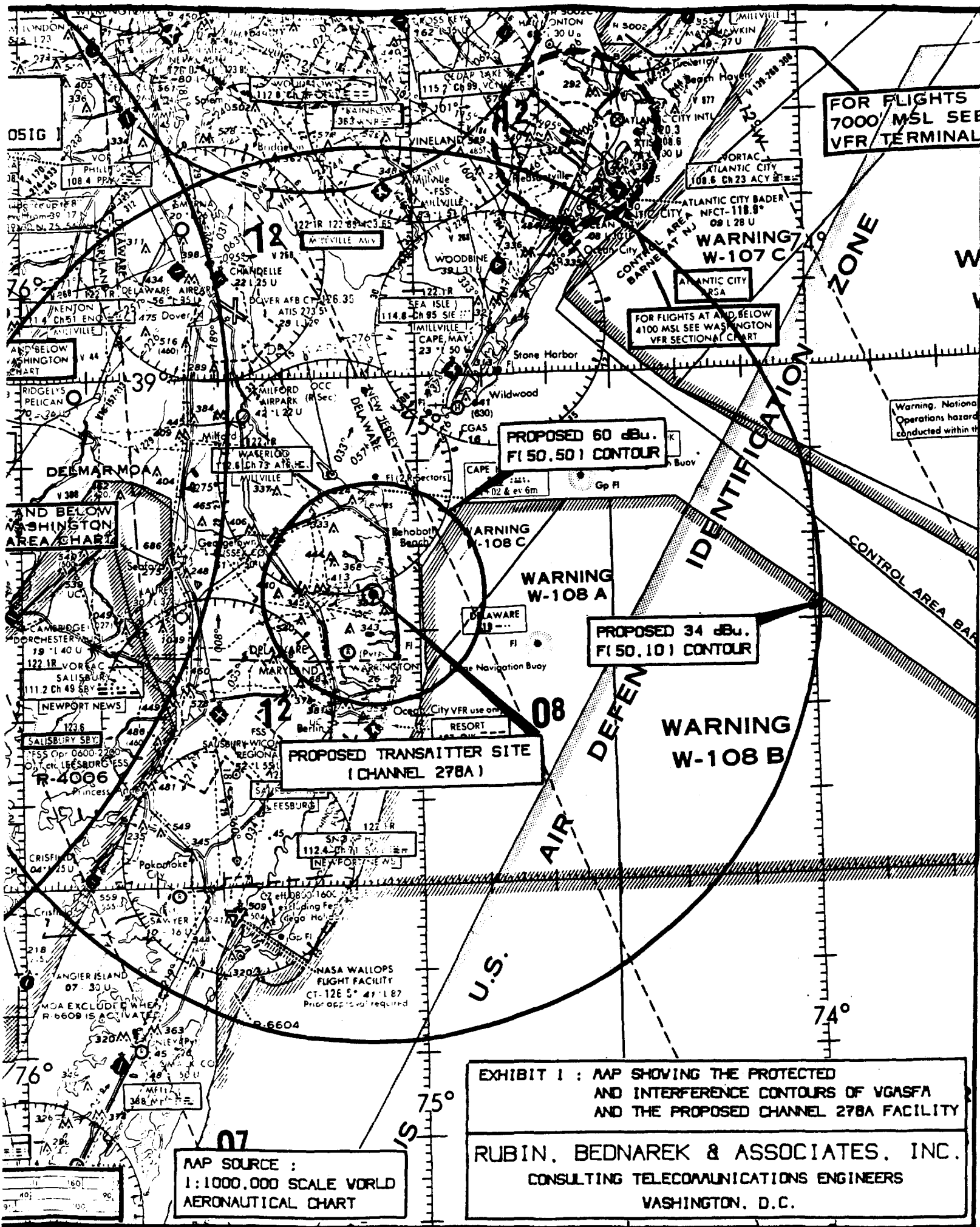
Location : Bethany Beach, Delaware
 Channel : 278A
 Facility Status : Proposed
 Site Coordinates : 38° 34' 21" N 75° 06' 58" W
 Maximum ERP : 3.00 kW (4.77 dBk)
 Antenna Type : Omni-Directional
 Antenna Radiation : 102 meters AMSL
 Center Height : 100 meters HAAT

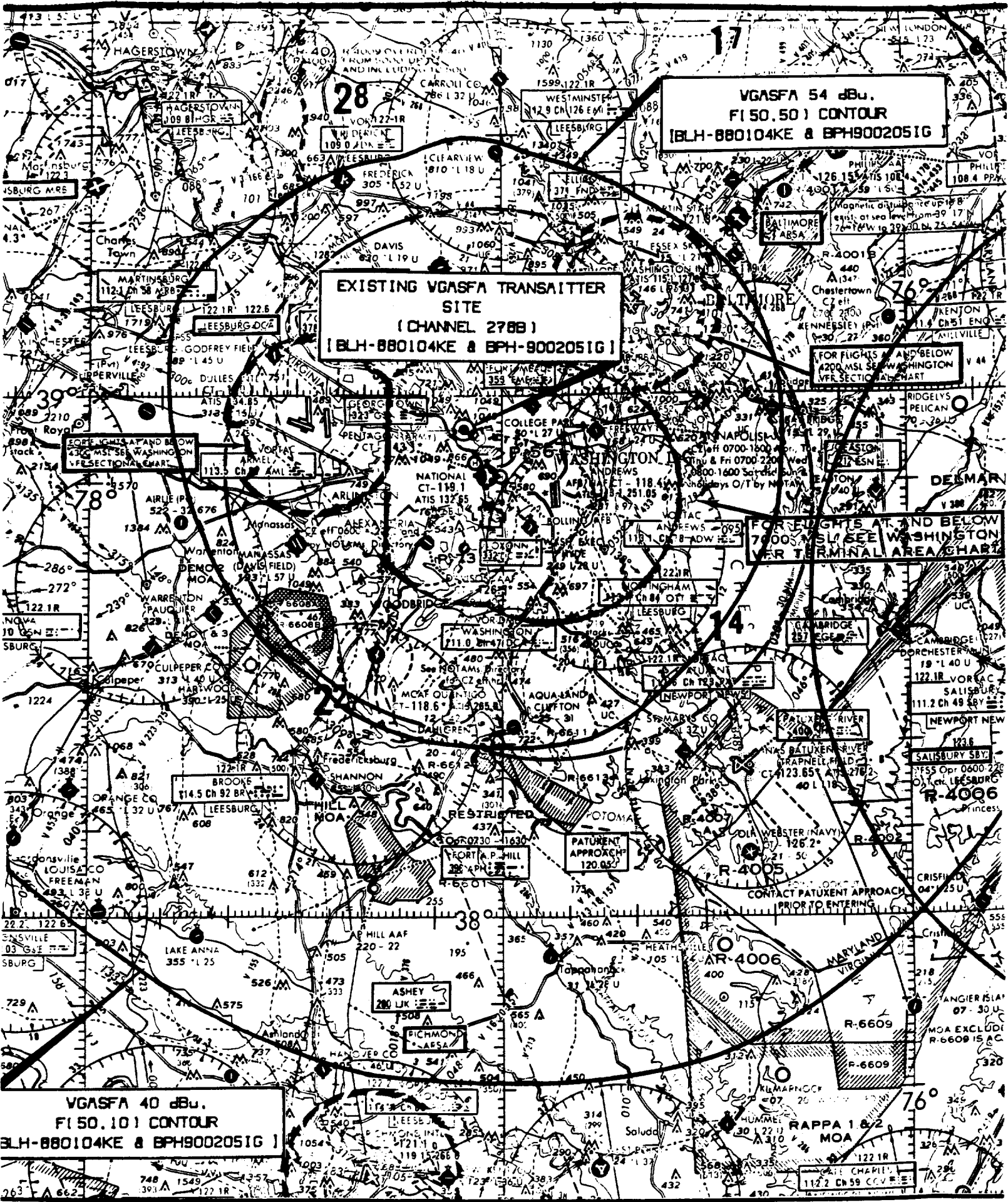
AZIMUTH (degrees)	HAAT (meters)	ERP (dBk)	60. dBu f(50-50) CONTOUR (km)	34. dBu f(50-10) CONTOUR (km)
0.0	101.2	4.77	24.3	98.3
5.0	100.9	4.77	24.3	98.3
10.0	101.5	4.77	24.5	98.5
15.0	101.5	4.77	24.5	98.5
20.0	101.5	4.77	24.5	98.5
25.0	101.5	4.77	24.5	98.5
30.0	101.5	4.77	24.5	98.5
35.0	101.5	4.77	24.5	98.5
40.0	101.5	4.77	24.5	98.5
45.0	101.5	4.77	24.5	98.5
50.0	101.5	4.77	24.5	98.5
55.0	101.5	4.77	24.5	98.5
60.0	101.5	4.77	24.5	98.5
65.0	101.5	4.77	24.5	98.5
70.0	101.5	4.77	24.5	98.5
75.0	101.5	4.77	24.5	98.5
80.0	101.5	4.77	24.5	98.5
85.0	101.5	4.77	24.5	98.5
90.0	101.5	4.77	24.5	98.5
95.0	101.5	4.77	24.5	98.5
100.0	101.5	4.77	24.5	98.5
105.0	101.5	4.77	24.5	98.5
110.0	101.5	4.77	24.5	98.5
115.0	101.5	4.77	24.5	98.5
120.0	101.5	4.77	24.5	98.5
125.0	101.5	4.77	24.5	98.5
130.0	101.5	4.77	24.5	98.5
135.0	101.5	4.77	24.5	98.5
140.0	101.5	4.77	24.5	98.5
145.0	101.5	4.77	24.5	98.5
150.0	101.5	4.77	24.5	98.5
155.0	101.5	4.77	24.5	98.5
160.0	100.3	4.77	24.3	98.2
165.0	100.6	4.77	24.3	98.3

AZIMUTH (degrees)	HAAT (meters)	ERP (dBk)	60. dBu f(50-50) CONTOUR (km)	34. dBu f(50-10) CONTOUR (km)
165.0	100.6	4.77	24.3	98.3
170.0	100.6	4.77	24.3	98.3
175.0	100.3	4.77	24.3	98.2
180.0	100.0	4.77	24.1	98.2
185.0	99.7	4.77	24.1	98.2
190.0	99.4	4.77	24.1	98.0
195.0	98.8	4.77	24.1	98.0
200.0	97.8	4.77	24.0	97.8
205.0	97.2	4.77	24.0	97.7
210.0	96.6	4.77	23.8	97.5
215.0	96.3	4.77	23.8	97.5
220.0	96.6	4.77	23.8	97.5
225.0	96.9	4.77	23.8	97.7
230.0	96.6	4.77	23.8	97.5
235.0	96.6	4.77	23.8	97.5
240.0	96.3	4.77	23.8	97.5
245.0	96.6	4.77	23.8	97.5
250.0	97.2	4.77	24.0	97.7
255.0	98.5	4.77	24.0	97.8
260.0	98.8	4.77	24.1	98.0
265.0	98.1	4.77	24.0	97.8
270.0	98.1	4.77	24.0	97.8
275.0	100.0	4.77	24.1	98.2
280.0	100.6	4.77	24.3	98.3
285.0	99.1	4.77	24.1	98.0
290.0	98.8	4.77	24.1	98.0
295.0	98.1	4.77	24.0	97.8
300.0	97.8	4.77	24.0	97.8
305.0	96.9	4.77	23.8	97.7
310.0	97.5	4.77	24.0	97.7
315.0	98.5	4.77	24.0	97.8
320.0	99.4	4.77	24.1	98.0
325.0	100.3	4.77	24.3	98.2
330.0	100.3	4.77	24.3	98.2
335.0	99.4	4.77	24.1	98.0
340.0	99.1	4.77	24.1	98.0
345.0	100.3	4.77	24.3	98.2
350.0	100.6	4.77	24.3	98.3
355.0	101.2	4.77	24.3	98.3

Notes :

- 1) Terrain Data Source : NGDC 30 second point topography elevation database (TPG-0050)





EXISTING VGASFA TRANSMITTER SITE
(CHANNEL 278B)
[BLH-880104KE & BPH-900205IG]

VGASFA 54 dBu.
F(50.50) CONTOUR
[BLH-880104KE & BPH900205IG]

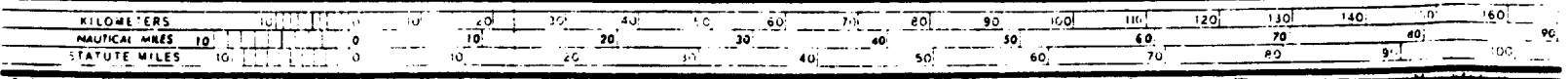
FOR FLIGHTS AT AND BELOW 7000 MSL SEE WASHINGTON VER TERMINAL AREA CHART

BROOKS
114.5 CH 92 BRV 112.1

RESTRICTED
PORT A.P. HILL
28 APR 75

PATUXENT RIVER
112.1 CH 92 BRV 112.1

VGASFA 40 dBu.
F(50.10) CONTOUR
[BLH-880104KE & BPH900205IG]



RUBIN, BEDNAREK & ASSOCIATES, INC.

CONSULTING TELECOMMUNICATIONS ENGINEERS

1350 CONNECTICUT AVENUE, NW - SUITE 610

WASHINGTON, DC 20036

PHILIP A. RUBIN

ROBERT A. BEDNAREK

WILLIAM T. HAGGERTY

ABDOLMAJID KHALILZADEH

VU T. NGUYEN

G. WILLIAM MEEKER

TELEPHONE (202) 296-9380

FAX (202) 296-9383

SUPPLEMENTAL ENGINEERING STATEMENT

I, Robert A. Bednarek hereby certify that I am a telecommunications consultant and a principal in the firm of Rubin, Bednarek & Associates, Inc. with offices at 1350 Connecticut Avenue, NW., Washington, D.C. I hold a Bachelor of Science Degree in Electrical Engineering from the University of Florida and am a certified Engineer-in-Training; my registration as a Professional Engineer is pending in the State of Florida. I have provided consulting services in the area of telecommunications since 1978. My qualifications in that regard are a matter of record with the Federal Communications Commission.

The firm of Rubin, Bednarek & Associates has been retained to prepare this amendment to the pending application (File #BPH-910213ME) of Jeffery Scott for new commercial FM facilities to operate on Channel 278A in Bethany Beach, Delaware. Specifically, the amendment demonstrates that station operation at the transmitter site proposed by Scott in an amendment to his application filed on May 16, 1991 will be in full compliance with the provisions of Section 73.215 of the Rules and Regulations.

ENGINEERING STATEMENT

Jeffery Scott

6/28/91

Page 2

Background

On February 13, 1991 Scott filed a new application for use of Channel 278 in Bethany Beach, Delaware at a site located approximately 0.3 miles from Bethany Beach. On May 16, 1991, an amendment was filed to specify the present transmitter location which is approximately 2.3 miles from Bethany Beach. As demonstrated within the technical portions of the amendment, the proposed site meets all applicable mileage separation criteria.

Full compliance with the provisions of Section 73.213(c) was demonstrated in the application. Since the Bethany Beach allotment was created as a result of a rule making proceeding which was initiated before the adoption of the increased mileage separations now contained in Section 73.207, treatment under Section 73.213(c) was appropriate and permissible under the Rules. Rule 73.213(c) specifically states in relevant part that:

New stations on channel allotments made by order granting petitions to amend the Table of FM Allotments which were filed prior to October 2, 1989, may be authorized in accordance with paragraph (c)(1) or (c)(2) of this section.

Paragraph (c)(1) of Rule 73.213 provides that the minimum mileage separation between a proposed 3kW 328' HAAT Class A facility like

ENGINEERING STATEMENT

Jeffery Scott

6/28/91

Page 3

the one proposed by Scott for Bethany Beach, Delaware and the Class B allotment utilized by WGMS-FM in Washington, D.C. must be at least 163 kilometers. As demonstrated within the amendment, the actual separation between the proposed site and WGMS-FM is in fact 176.5 kilometers, well in excess of the 163 required by Section 73.213(c)(1). As also demonstrated in the amendment, the proposed site meets the 73.213(c) spacing requirements (but not those contained in Section 73.207) with respect to several other stations. Accordingly, use of the proposed site is in full compliance with all applicable rules governing mileage separations.

Modification of Section 73.213

On May 30, 1991, the Commission released a Memorandum Opinion & Order in MM Docket No. 88-375, which modified Section 73.213(c) of the Rules. This modification, which is not effective until July 15, 1991, deletes the language quoted above and adds the following sentence to the Rule:

73.213(c).....If the reference coordinates of an allotment are short-spaced to an authorized facility or another allotment (as a result of the revision of Section 73.207 in the Second and Report & Order MM Docket No. 88-375), an application for the allotment may be authorized, and subsequently modified after grant, in accordance with paragraph (c)(1) and (c)(2) of this section only with respect to such short-spacing.